Legislation Text

File #: 071569, **Version:** 1

071569
SUBSTITUTE 1
970403
THE CHAIR
Substitute resolution amending a special privilege for change of ownership to Milwaukee Industrial Trade Center, LLC for a fence and a guardrail in the public right-of-way for the premises at 2823 West Vienna Avenue, in the 7th Aldermanic District.
Substitute resolution amending a special privilege for change of ownership to Milwaukee Industrial Trade Center, LLC for a fence and a guardrail in the public right-of-way for the premises at 2823 West Vienna Avenue.
Whereas, Tower Automotive Products Company, Inc. requested permission to keep and maintain a chain link fence and a guardrail in the public right-of-way; and

Whereas, Permission for said items was granted in 1997 under Common Council File Number 970403; and

Whereas, Milwaukee Industrial Trade Center, LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 970403 is hereby rescinded; and, be it

Further Resolved, That Milwaukee Industrial Trade Center, LLC, 4777 West Lincoln Avenue, Milwaukee, Wisconsin 53219, is hereby granted the following special privileges:

1. To keep and maintain a 6-foot tall chain link fence and adjacent guardrail projecting 3 feet 2 inches into the west, variable width sidewalk area of North 28th Street. Said fence and guardrail commence at a point approximately 19 feet south of the southline of West Vienna Avenue and extend 370 feet south, then, at a point approximately 40 feet north of the northline of West Hopkins Street, said fence connects into a diagonal fence section in West Hopkins Street.

2. To keep and maintain a 6-foot tall fence and adjacent guardrail projecting 6 feet 3 inches into the south, 15-foot wide sidewalk area of West Vienna Avenue. Said fence and guardrail commence at a point approximately 19 feet east of the westline of North 29th Street, extended, and extend 215 feet east. At a point approximately 19 feet west of the westline of North 28th Street, said fence connects into a diagonal fence section that connects the fence on North 28th Street to the fence on West Vienna Avenue.

3. To keep and maintain asphalt pavement between the aforementioned fences and the right-of-way lines of North 28th Street and West Vienna Avenue. Said asphalted areas are part of a parking lot on the subject premises.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Milwaukee Industrial Trade Center, LLC, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of $1,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least $50,000 covering bodily injury to any one person and $100,000 covering bodily injury to more than one person in any one accident and $20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee, which has an initial amount of $144.28. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing

4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
Department of Public Works
Infrastructure Services Division
MDL: ns
April 24, 2008
071569